

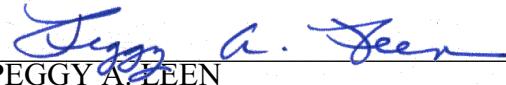
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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 MIKE YELLEN,)
8 vs.) Plaintiff,) Case No. 2:10-cv-01976-JCM-PAL
9)) **REPORT OF FINDINGS AND**
10 BOYD GAMING,)) **RECOMMENDATION**
11) Defendant.) (IFP App - Dkt. #3)
12 _____

13 Plaintiff Mike Yellen is proceeding in this action *pro se*, has requested authority pursuant to
14 28 U.S.C. § 1915 to proceed *in forma pauperis*, and submitted a Complaint (Dkt. #1) on November 12,
15 2010. This proceeding was referred to this court by Local Rule IB 1-9. Plaintiff submitted an
16 incomplete Application to Proceed *In Forma Pauperis* (Dkt. #1), and the court denied the Application
17 because the court could not determine whether Plaintiff qualified to proceed *in forma pauperis*. See
18 Order, Dkt. #2. The court ordered Plaintiff to submit a completed Application, and Plaintiff complied,
19 filing the instant Application to Proceed *In Forma Pauperis* (Dkt. #3). The Application represents that
20 Plaintiff receives income from family and friends of between \$1500 and \$1700 per month. He also has
21 \$1000 dollars in a checking or savings account and items of value with an approximate value of \$6500.
22 Plaintiff's monthly expenses are approximately \$1300-less than his income. His only debt is an
23 outstanding balance of \$262.00 to his insurance company. Based upon this information, it appears
24 Plaintiff can pay the filing fee in this case. Accordingly,

25 **IT IS RECOMMENDED** that Plaintiff's Application to Proceed *In Forma Pauperis* be
26 DENIED.

27 Dated this 30th day of December, 2010.

28 
PEGGY A. SEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within fourteen days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.